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PTO/SB/21 (01-08)

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TRANSMITTAL
FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

5

Application Number	10/600,028
Filing Date	23 June 2003
First Named Inventor	FOSTER, Harold Douglas
Art Unit	1642
Examiner Name	
Total Number of Pages in This Submission	5
Attorney Docket Number	HMT01/3619/US

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
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<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		
	Remarks	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Barigar Intellectual Property Law		
Signature	/Robert H. Barrigar/		
Printed name	Robert H. Barrigar		
Date	6 May 2008	Reg. No.	26,125

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

Typed or printed name

Laura Duckett

Date

6 May 2008

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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HMT01/3619/US

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Patent Examining Operations

Patent Application

Serial No.: **10/600,028**

Filing Date: 23 June 2003

Title: PROTOCOL FOR AIDS PREVENTION AND TREATMENT BY
NUTRITIONAL METHODS

Inventor: Harold Douglas Foster

Examiner: Not known Art Unit: 1642

To: The Commissioner for Patents
United States Patent and Trademark Office
Mail Stop Petition
P.O. Box 1450
Alexandria, VA 22313-1450

6 May 2008

Dear Sir:

**PETITION TO ACCEPT AN UNINTENTIONALLY DELAYED CLAIM
UNDER 35 U.S.C. 119(e) FOR THE BENEFIT OF A
PRIOR-FILED PROVISIONAL APPLICATION
AND
VOLUNTARY AMENDMENT**

A Power of Attorney and Correspondence Address Indication Form, executed by the applicant/inventor 5 April 2008, and identifying the patent agent submitting this petition and amendment, by customer number 22433, was filed by fax in the US Patent

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and Trademark Office on 1 May 2008, along with a Response to Notice to File Missing Parts.

The applicant respectfully requests the acceptance of an unintentionally delayed claim under 35 U.S.C. 119(e) for the benefit of prior-filed Provisional Application No. 60/390,509, filed 24 June 2002.

Pursuant to the requirements of 37 CFR 1.78(a)(6):

1. Please insert in page 1 of the specification, immediately after, "TITLE: PROTOCOL FOR AIDS PREVENTION AND TREATMENT BY NUTRITIONAL METHODS", the following paragraph:

This application claims the benefit of U.S. Provisional Application No. 60/390,509, filed 24 June 2002.

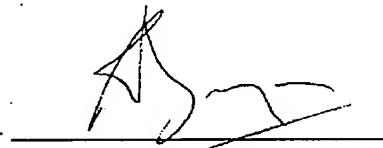
2. Enclosed herewith is payment of the surcharge set forth in 37 CFR 1.17(t).
3. The entire delay between the date the claim was due under 37 CFR 1.78(a)(5) and the filing of this claim was unintentional. Due to budgetary constraints, the applicant/inventor prepared and filed Provisional Application No. 60/390,509 and the current application, without the assistance of a patent agent or other qualified professional. The applicant/inventor filed the current application within one year of the provisional application on the understanding that this was all that was required to obtain the benefit of the filing date of the provisional application for the current application. The applicant/inventor did not realize that it was necessary to explicitly claim the benefit of the provisional application and the applicant/inventor understood that the current application had the benefit of the provisional application.

The applicant/inventor consulted our firm on 25 March 2008 to obtain our assistance in responding to a Notice to File Missing Parts on the current application. In reviewing the applicant/inventor's records we became aware that the current application did not contain a claim to the benefit of the provisional application. We notified the applicant/inventor of this on 5 April 2008 and, on 7 April 2008, we were instructed to submit this petition. The slight lag between our receipt of those instructions and the filing of this petition is not the fault of the applicant/inventor and has resulted solely from the press of work in our office.

The applicant/inventor respectfully requests that this petition be granted.

Respectfully submitted,

By:



Robert H. Barrigar

Registration No.: 26,125

MDC:lld

Victoria, British Columbia

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